



HOW TO APPLY UNDER **HOW**

SUPPLEMENTARY

L A B O U R S C H E M E



LABOUR DEPARTMENT

How to Apply under the Supplementary Labour Scheme



What is SLS



The Supplementary Labour Scheme (SLS) commenced operation on 1 February 1996. It is a scheme which allows employers with genuine difficulties in finding suitable staff locally to import workers at technician level or below. However, to ensure the priority of local workers in employment, and to safeguard their salaries and benefits, employers must accord priority to fill available job vacancies with local workers, and take active efforts to train local workers for the vacancies.

Employers who wish to apply for importation of labour under the SLS should follow the application procedures as set out in this pamphlet.

Who can apply



All interested employers may apply under the SLS to import workers to fill vacancies which they have genuine difficulties in finding suitable staff locally. Applications will however not normally be considered if the vacancies fall within the job categories listed in Annex 1.

How to apply



Interested employers may obtain the application form (Form SLS-1) from the Application Office or download the application form from the Labour Department website (www.labour.gov.hk).

Employers may submit the completed application form together with the required documents by mail or by hand to the Application Office. Employers may also submit the digitally signed e-form and the required documents by e-mail to the Application Office at ldgradmn@eths.labour.gov.hk.

The wages offered by the applicants should attain at least the median monthly wages. The Application Office will inform the applicants within one week whether the wages offered are at or above the median wage level, and whether the stipulated requirements of the vacancies are acceptable.

As the statutory minimum wage becomes effective on 1 May 2011, the amount of wages offered must be in compliance with the statutory minimum wage requirements.

Employers whose preliminary applications are turned down but who still wish to maintain the special requirements may refer their cases to the Labour Advisory Board for reconsideration. Alternatively, they may modify the employment terms or the job requirements and re-submit a fresh application. The booklet of median monthly wages of principal job titles is available for reference. Employers may collect the booklet at the Application Office or download it from the Labour Department website.

Employers whose applications are accepted for further processing must undergo a four-week local recruitment exercise. During the period, employers should advertise the vacancies at least once in a week in each of the two local newspapers in the first two weeks. The advertisement must include such information as the salaries offered, working hours, workplace location, entry requirements and contact phone number. Concurrently, the Labour Department will also provide active job matching for the vacancies to identify suitable local job-seekers for referral to the employers for interview. If necessary, employers will be asked to organize training programmes with the assistance of the Employees Retraining Board for local workers. At the end of the recruitment period, employers have to provide information on local recruitment efforts (Form SLS-9) to the Application Office.

In the course of application processing, Labour Inspectors of the Labour Department will visit the employer's office premises and inspect the intended workplace(s) of the imported worker(s) to verify the information supplied by the employers concerned.

Employers who have undergone recruitment procedures before submitting applications may provide information on local recruitment for consideration of early approval by the Labour Advisory Board.

The Application Office will assess the employer's request and make a recommendation to the Labour Advisory Board comprising an equal number of employer and employee representatives. Upon the advice of the Board, the Government will consider whether to approve or refuse each application. All applications will be considered on their own merits, such as the genuine need for importation of labour, the size of the local workforce, activeness in business and financial situation of the employers. Applications will not normally be approved if:

- (a) employers have past adverse records under importation of labour schemes or have employed persons not lawfully employable in Hong Kong;
- (b) wages offered are below the median wage level;
- (c) there are restrictive or excessive job requirements such as age, sex, education, experience or skill;
- (d) employers show insincerity in their efforts to recruit or train local workers to fill vacancies.

Upon approval, employers may apply to the Immigration Department of the Government of the Hong Kong Special Administrative Region (Immigration Department) which will process the visa/entry permit application of the prospective imported worker. Transfer of the approval to another employer to import labour is normally not permitted once it is granted. Besides, acceptance of an employer's application under the SLS does not represent a commitment by the Immigration Department to admit the entry of an individual into Hong Kong. The Director of Immigration may refuse to issue visas/entry permits to individual workers.

Employers whose applications for labour importation are refused may apply in writing to the Application Office within three months of the decision for their cases to be reconsidered by the Labour Advisory Board.

Under the SLS, the approval granted to an employer to import workers would not be automatically renewed. An employer who wishes to continue employing imported workers upon the expiry of their contracts are required to submit an application afresh to the Labour Department, and the

application will be considered on its own merits.

Importation of labour is aimed only at easing the imminent manpower shortages for operational needs. Employers are expected to make vigorous efforts in training up local workers to fill the vacancies in the long run. To uphold the cardinal principle of ensuring employment priority of the local workers, the Government will give due consideration to the training efforts of the employers concerned when assessing individual applications for importation of labour.

Visa/entry permit application procedures

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- (a) The employer is required to enter into a standard Employment Contract with the imported worker. The Contract term will be for a maximum period as specified in the approval-in-principle letter, the longest being two years. Standard Employment Contract Forms (LD294) for an employee recruited from outside Hong Kong under the Supplementary Labour Scheme may be obtained at the Information Office of the Immigration Department. The contract should be completed in quadruplicate and submitted by the worker together with his/her visa/entry permit application.
 - (b) The employer shall cause each prospective imported worker to submit a formal visa/entry permit application together with the contracts (please refer to 'Submission of formal visa/entry permit application' for details). Visa/entry permit applications should be submitted within the period specified in the approval-in-principle letter. Late applications will not be entertained and the approval-in-principle for importing workers will lapse. If the employer still intends to import workers, he/she should submit an application afresh to the Application Office.
 - (c) Imported workers should possess valid travel documents with ample returnability. For workers from the Mainland, they should be in possession of valid Exit-entry Permits for Travelling to and from Hong Kong and Macau with relevant exit endorsement issued by the Mainland Public Security Bureau Office.
 - (d) The entry of all imported workers is subject to the normal immigration requirements being met.
 - (e) After entry, the imported worker must remain under the direct employment of the same employer for the specified job and in the specific workplace(s) as stipulated in the standard Employment Contract. Change of employer or post is not permitted.
 - (f) The imported worker is required to return to his/her place of origin on completion of his/her employment contract. If the contract is pre-maturely terminated, the worker is only permitted to remain in Hong Kong for two weeks from the date of termination of contract or the balance of permitted stay, whichever is shorter. Breach of a condition of stay is an offence under the Immigration Ordinance, Chapter 115 of the Laws of Hong Kong.
 - (g) No person who has entered Hong Kong as a visitor may be hired to work here.
 - (h) If an imported worker is unable to come to Hong Kong or complete his/her contract, the application for a replacement worker should be made within four months after (i) the date on which the employer is notified that the worker will not come to Hong Kong, or (ii) the date of the termination of the contract (prior to its expiry) of the worker. An employer who has exploited or ill-treated his/her imported workers will not be granted approval to bring in replacement workers.

Submission of formal visa/entry permit application

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- (a) An application form (ID 1001A) may be submitted either directly to the Immigration Department or through the Chinese Diplomatic and Consular Mission nearest to the imported worker's place of domicile.
- (b) Completed ID 1001A may be sent through the employer by hand or by post to the Immigration Department, Quality Migrants and Mainland Residents Section, 6/F, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong, together with the following supporting documents:
 - (i) photocopies of the imported worker's travel document containing his/her personal particulars, its date of issue, date of expiry, details of any re-entry visa held (if applicable); for imported workers who are Mainland residents, photocopy of People's Republic of China Identity Card is required instead;
 - (ii) four original copies of the standard Employment Contract signed between the employer and the imported worker;
 - (iii) details, with proofs, of the imported worker's academic qualifications and experience relevant to the post, e.g. copies of diplomas, certificates and testimonials; and
 - (iv) proofs of the imported worker's medical fitness for the job, e.g. medical report.
- (c) On receipt of the visa/entry permit application, the Immigration Department will request the employer to complete a sponsorship form (ID 1001B). The employer may also be invited to provide additional information or to attend an interview.
- (d) Decisions on individual applications will be conveyed to the imported worker through the employer or to the worker direct if the application is made through a Chinese Diplomatic and Consular Mission.
- (e) Visa/entry permit fee for each imported worker should be paid by the employer.

Procedure for application for extension of stay in Hong Kong

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- (a) A visa/entry permit is usually granted for an initial period of 12 months. An imported worker must apply for extension of stay if the duration of the employment contract is more than 12 months. Extension fees for imported workers should be paid by the employer.
- (b) Extension of stay beyond the employment contract period will not be granted.

Terms and conditions of employment

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Workers recruited from outside Hong Kong are entitled to the same protection under the labour laws of Hong Kong as local workers. The imported worker must be engaged under a standard Employment Contract (for an employee recruited from outside Hong Kong under the Supplementary Labour Scheme). The employer's major responsibilities are listed below.

Copy of employment contract

The employer must give the imported worker, free of charge, one of the four original copies of the employment contract. The employer should prepare an acknowledgement list which contains the name and Hong Kong Identity Card number (or passport number) of each imported worker and the date on which the contract is received by the worker. This list should be sent to the Supplementary Labour Division of the Labour Department by mail or by fax (fax number: 2542 2742) within four weeks after the arrival of such worker.

Briefing session

The employer must grant leave to the imported worker to attend briefings organised by the Labour Department within eight weeks of his/her arrival. No deduction of wages shall be made from the worker's wages for his/her absence from work for the purpose of attending the briefing. Such paid leave shall be in addition to the rest days, statutory holidays and annual leave days to which the worker is entitled under the employment contract.

Wages

The employer is required to make payment of wages to each imported worker by way of autopayment and to ensure that wages are paid directly into the worker's bank account in Hong Kong. The employer must not keep the worker's bank book, bank statement or automatic teller machine cards.

The employer must provide each imported worker, on a monthly basis, with details of his/her earnings which should include wages, hours of overtime work, amount of overtime pay, amount and nature of deductions, amount of allowances or bonus etc. The employer must also obtain the imported worker's acknowledgement of the information on the receipt.

The employer shall not make deductions from the imported worker's wages for the purpose of paying any dues or fees charged on the worker by authorities or agents in the worker's country of origin, or for paying the Employees Retraining Levy required to be paid by the employer.

Accommodation and meals

The employer is required to provide accommodation to his/her imported worker(s) in compliance with the standard as stipulated in the Schedule to the standard Employment Contract and the standard of accommodation should be maintained at all times. The accommodation should be ready before the arrival of the imported worker(s). Employers will be requested to arrange the accommodation for inspection by the Labour Inspectors of the Labour Department during the stay of the imported workers. The maximum amount of deduction for provision of accommodation is 10% of the worker's normal wages, or the actual cost of accommodation, whichever is less.

Employers are not obliged to provide meals to imported workers but if they do, it must be free of charge and no deduction from wages may be made for the provision of meals.

Free medical care

The employer must provide free medical care to the imported worker if he/she suffers from illness or injury, no matter whether it is attributable to the employment or not. However, employers are not responsible for providing free medical treatment during the period when the imported worker leaves Hong Kong of his/her own volition or for his/her personal purposes. Free medical care includes

hospital stay and urgent dental treatment.

Passage and visa/entry permit fee

Expenses for passage to and from Hong Kong on commencement and termination or expiry of the contract, visa/entry permit fees and subsequent extension fees should be paid by the employer.

Passport, Exit-entry Permit for Travelling to Hong Kong and Macau and Hong Kong Identity Card

The employer shall not keep the imported worker's passport or Exit-entry Permit for Travelling to and from Hong Kong and Macau. The employer shall make arrangement for the imported worker to register for an identity card with the Immigration Department within 30 days upon his/her arrival. Likewise, the employer shall remind the worker to return his/her identity card to the Immigration Department for cancellation upon expiry or termination of the employment contract and before the worker leaves Hong Kong.

Termination of contract prior to its expiry

The employer or the imported worker may terminate the employment contract prior to its expiry by giving to the other party notice in writing or wages in lieu of notice as stipulated in the employment contract. The employer shall send a copy of the termination notice to the Supplementary Labour Division of the Labour Department (fax number: 2542 2742) and Quality Migrants and Mainland Residents Section of the Immigration Department (fax number: 2824 2067) within seven days before the date of termination. If the contract is terminated without prior notice, the employer shall send a copy of the termination letter to the two departments within one working day after the termination. The letter should bear the name of the imported worker in English and Chinese as the case may be, his/her Hong Kong Identity Card number, the date of termination and Immigration Department's reference.

No displacement of local workers by imported workers

The employer shall not displace local workers with imported workers. In the event of redundancies, imported workers should be the first to be retrenched.

Levy

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With effect from 1 August 2008, the Government has suspended the obligation on employers of imported labour to pay the Employees Retraining Levy for a period of five years.

Withdrawal of approval granted to employers

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- (a) Employers who breach the Laws of Hong Kong will be liable to prosecution.
- (b) Administrative sanction in the form of withdrawal of approval for importation of labour will be taken against an employer who is found to have breached any statutory provision, any provision of the employment contract or any condition of the labour importation schemes, including the Supplementary Labour Scheme.

Where to apply or enquire

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For application for imported workers under SLS:

Supplementary Labour Division

Labour Department, the Government of the Hong Kong Special Administrative Region

Room 929, 9/F Cheung Sha Wan Government Offices

303 Cheung Sha Wan Road, Kowloon

Telephone: 2150 6363

Fax: 2504 3160

Website: www.labour.gov.hk

For visa/entry permit application:

Quality Migrants and Mainland Residents Section

Immigration Department, the Government of the Hong Kong Special Administrative Region

6/F, Immigration Tower

7 Gloucester Road, Hong Kong

Telephone: 2829 3220

Fax: 2824 2067

Website: www.immd.gov.hk

Annex 1

List of job categories normally excluded from the Supplementary Labour Scheme

Sales Representative	Presser
Sales Assistant	Hair Stylist
Waiter/Waitress	Warehouse Keeper
Receptionist	Cutter
Cashier	Cutting Room Operative
Junior Cook	Inspection Operative
Food Processing Worker	Delivery Worker
Clerical Worker	Driver
Teller	Demolition Worker
Computer/Key Punch Operator	Mason
Telephone Operator	Spray Paint Worker
Linen Attendant	Drain Layer
Washer	Leakage Worker